

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

QUINTIN JONES,

Plaintiff,

Case No. 24-cv-11832

Hon. Matthew F. Leitman

v.

HOME DEPOT CORP.,

Defendant.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 11); (2) DISMISSING PLAINTIFF'S
COMPLAINT (ECF No. 1); AND (3) TERMINATING DEFENDANT'S
MOTION TO DISMISS (ECF No. 14) AS MOOT**

In this action, Plaintiff Quintin Jones alleges that Defendant Home Depot Corp. violated his constitutional rights when it wrongfully accused him of retail fraud. (*See* Compl., ECF No. 1.) In his Complaint, Jones brings claims against Home Depot under 42 U.S.C. § 1983 for alleged violations of his Fourth, Fifth, Eighth, and Fourteenth Amendment rights. (*See id.*)

On August 20, 2024, the assigned Magistrate Judge issued a report and recommendation in which she recommended that the Court dismiss Jones' claims against Home Depot *sua sponte* (the "R&R"). (*See* R&R, ECF No. 11.) The Magistrate Judge explained that to proceed under Section 1983, Jones needed to plead that Home Depot "was a state actor," and she concluded he had not pleaded

any facts that could satisfy that burden. (*Id.*, PageID.19-20.) Finally, the Magistrate Judge informed Jones that if he wished to object to her recommendation, he needed to file written objections with the Court within 14 days. (*See id.*)

Jones has not filed any objections to the R&R. The failure to object to a report and recommendation releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). In addition, the failure to file objections to a report and recommendation waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Jones has not filed any objections to the R&R, **IT IS HEREBY ORDERED** that the recommended disposition of the R&R (ECF No. 11) is **ADOPTED** and Jones’ Complaint against Home Depot (ECF No. 1) is **DISMISSED**. Finally, because the Court has dismissed Jones’ Complaint, it will **TERMINATE** Home Depot’s pending motion to dismiss (ECF No. 14) as **MOOT**.

/s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 4, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 4, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126